



"City of Choice"

**ORDINANCE NO. 1066**

**AN ORDINANCE OF THE CITY OF CIBOLO, TEXAS PROVIDING ORDER AND NOTICE OF A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5<sup>th</sup> 2013 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, A PROPOSED ORDINANCE REGULATING THE SALE OF ALCOHOL SUBMITTED TO THE CITY COUNCIL PURSUANT TO THE CITY OF CIBOLO CHARTER ON INITIATIVES.**

**WHEREAS**, the City Charter of the City of Cibolo, Texas, provides for the Citizens of Cibolo to initiate legislation pursuant to Section 6.13 of said Charter, and

**WHEREAS**, on August 9<sup>th</sup>, 2013 the City Secretary received an initiative petition for an ordinance to regulate the sale of alcohol; and

**WHEREAS**, City Council had decided to submit said petition to the citizens for a vote at a properly ordered election; and

**WHEREAS**, the laws of the State of Texas further provide that Section 3.001 of the Election Code of the State of Texas is applicable to said elections, and in order to comply with said Code, an Order should be passed ordering said election and establishing the procedure to be followed in said election, and designating the voting place for said election; and

**WHEREAS**, the City Council of the City of Cibolo, Texas, hereby orders a special election, to be held on November 5, 2013, for a vote of the electors as to the following initiative.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:**

**SECTION ONE. ELECTION ORDER**

1. In compliance with the Texas Election Codes, Cibolo Home Rule Charter, and Constitution of the State of Texas, a Special Election is hereby called and ordered for the first Tuesday in November, 2013, the same being the 5<sup>th</sup> day of said month, at which election all qualified voters may vote on a proposed ordinance regulating the sale of alcohol initiated pursuant to the City's Home Rule Charter; and

2. As soon as practical after the election and the declaration by the Council that the votes have been canvassed, the City Secretary shall certify to the Secretary of State an authenticated copy showing the results of the Special Election.

3. The election ordered herein shall be held as prescribed by law, at the following locations between the hours of 7:00 am and 7:00pm:

- 301 Santa Clara City Hall, 1653 N. Santa Clara Rd., Santa Clara
- 302 Marion Dolford Learning Center, 200 W. Schlather Lane, Cibolo
- 303 Schertz Elections Office, 1101 Elbel Rd., Schertz
- 306 Crosspoint Fellowship Church, 2600 Roy Richard Drive, Schertz
- 403 Knights of Columbus Hall, 509 Schertz Pkwy., Schertz
- 404 Schertz Community Center North (formerly Northcliffe Fire Station), 3501 Morning Dr., Cibolo
- 405 St. John's Lutheran Church, 606 S. Center St., Marion
- 406 New Berlin Community Center , 8815 FM 775, New Berlin
- 409 Elaine S. Schlather Intermediate School, 230 Elaine S. Schlather Pkwy., Cibolo

4. Voting at said election shall be done as determined by the County Elections Officer of Guadalupe County, Texas. The equipment necessary for voting shall be available at the voting sites for the purpose of conducting early voting by personal appearance and at the Election Day voting site established for the purpose of voting by personal appearance on Election Day, Tuesday, November 5, 2013. The County Elections Officer of Guadalupe County, Texas is authorized and charged to perform the functions provided by law in the casting of early ballots and shall hold such elections, and ballots shall be cast commencing on October 21, 2013 and ending on November 1, 2013; all in the method, manner and time made and provided by the Statutes of the State of Texas on this subject. Early voting by personal appearance will be conducted at the following location at the specified dates and times: Guadalupe County Office Building – Election Office, 1101 Elbel Road, Schertz, TX 78154. Dates: Monday, October 21, 2013-Friday, October 25, 2013 hours are 8:00 a.m. to 5:00 p.m. Saturday, October 26, 2013 from 7:00am to 7:00 pm. Sunday, October 27, 2013 from 1:00 pm to 6:00 pm. Monday October 28, 2013 through Friday, November 1, 2013 from 7:00 am to 7:00 pm. Election Day Location will be at the following locations from 7:00 a.m. to 7:00 p.m.

- 301 Santa Clara City Hall, 1653 N. Santa Clara Rd., Santa Clara
- 302 Marion Dolford Learning Center, 200 W. Schlather Lane, Cibolo
- 303 Schertz Elections Office, 1101 Elbel Rd., Schertz
- 306 Crosspoint Fellowship Church, 2600 Roy Richard Drive, Schertz
- 403 Knights of Columbus Hall, 509 Schertz Pkwy., Schertz
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5. The Mayor and City Council shall contract with the Guadalupe County through the Guadalupe County Clerk's Election's Office for the conduct of this election. The Guadalupe County Clerk's Election Department shall appoint the election officers to hold said election, in accordance with State Election Law, including an Early Balloting Board, Signature Verification Committee and the Central Counting Station representatives which shall count and canvass the early ballots cast at said election.

6. Notice of said election shall be given by publishing a substantial copy of this ordinance in a daily newspaper of general circulation published in the City not less than 30 days before the first date of the election.

## SECTION TWO. ORDINANCES

The following initiated ordinance will be submitted to the qualified voters of the City at the Special Election as follows:

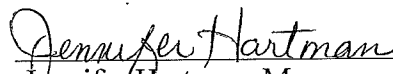
**"It shall be unlawful for any person to sell or engage in the business of selling alcoholic beverages within the City where the place of business is within 300 feet of any church, public school, or private school. The measurement of the distance between the place of business where alcoholic beverages are sold and the church shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public schools shall be in a direct line from the property line of the public school or private school to the property line of the place of business, and in a direct line across intersections."**

For the Ordinance  
Against the Ordinance

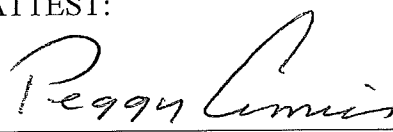
**SECTION THREE.** This ordinance shall be effective on passage.

**PASSED AND APPROVED** this 26<sup>th</sup> day of August, 2013.

APPROVED:

  
Jennifer Hartman, Mayor

ATTEST:

  
Peggy Cimics, City Secretary

